

### REMARKS

Claims 1-7, 10-16 and 19-20 have been rejected under 35 USC 103(a) as being unpatentable over Leung et al. ("the Leung reference") assigned application number EP 0701382 A1 in view of Ivanov et al. ( U.S. Patent 5,457,810) ("Ivanov"). Applicants respectfully submit that claims 1-7, 10-16 and 19-20 are not obvious in light of the cited prior art for the following reasons.

In the present application, claim 1 recites a method and system of communicating in a wireless communication system that includes determining a timer value and using the timer value to handoff a wireless unit such that the "determination of said timer value and said handoff is performed by system equipment other than the wireless unit." That is, such determination is **not** performed by wireless units.

In sharp contrast, and as acknowledged by the Examiner in the instant Office Action, the Leung reference does not anticipate the present invention but rather discloses a system in which the determination of timer value is performed by mobile units. The Leung reference makes it clear that "mobile units collect their own mobility and teletraffic statistics and transmit aggregated statistics to a base station for control of the cellular system." (See column 1, lines 1-12). In other words, the Leung reference discloses a system where mobile (wireless) units gather timing related statistics and transmit the statistics to a base station which then uses the information to control the cellular system. In contrast thereto, in the current application, wireless units do **not** perform the function of determining timer values and handing off wireless units, rather, these functions are performed by system equipment.

To overcome the deficiency in Leung, the Examiner asserts that Ivanov discloses a method wherein the function of determining timer values is not performed by wireless units and, when viewed in combination with the Leung reference, renders the present invention obvious. Applicants respectfully disagree with the Examiner's characterization of Ivanov and its application to the present invention. Ivanov discloses a method wherein determinations are made of the speed with which a mobile unit is traveling

through a cell and whether the mobile unit has traversed a radio coverage domain of a micro cell within a time interval (Ivanov col. 2 lines 51-60, col. 3 lines 10-20, Abstract). In Ivanov, the hand over of a mobile radio is achieved by taking the speed of a mobile radio into consideration to first make a determination which radio coverage domain a mobile unit is in and then considering this determination in addition to the conventional static hand over decisions undertaken in a wireless communication system (Ivanov col. 2 lines 50-65, col. 4 lines 3-35). By providing this additional dynamic input into an otherwise static decision making process, Ivanov purports to optimize the hand off process.

In Ivanov, the process of determining whether a mobile radio has traversed a radio coverage domain of a micro cell within a time interval is implemented by individual timers administered by each cell. The Examiner suggests that the fact that the timers administered by each cell are not administered by the mobile radio itself is analogous to the step of determining timer value by system equipment other than the wireless unit recited in claim 1 of the present invention. The Examiner suggests that the combination of Ivanov and the Leung reference therefore renders the present invention obvious when viewed in combination with the Leung reference. The combination of references, however does not teach or suggest the steps recited in claim 1 of the present invention.

In particular, the Leung reference and Ivanov taken alone or in combination do not teach or suggest that “determination of said timer value and said handoff is performed by system equipment other than the wireless unit” as recited in claim 1. Claim 1 of the present invention is therefore not rendered obvious by the Leung reference and Ivanov whether taken alone or in combination. Accordingly, claim 1 is patentable subject matter and claims 2-7 and 10 are also not obvious in light of the Leung reference and Ivanov, at least by virtue of their dependence on patentable claim 1.


Claim 11 recites similar language as the above bolded features of amended claim 1. Claim 11 should be allowable for at least the same reasons as claim 1 above. Claims 12-16 and 19-20 depend from claim 11 and are not anticipated for at least the same reasons as claim 11.

In view of the above discussion, applicants respectfully request that independent claim 1, independent claim 11 and their corresponding dependent claims be allowed.

**Request for Reconsideration pursuant to 37 CFR 1.111**

Having responded to each and every ground for objection and rejection in the Office Action mailed on February 11, 2004, applicants request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 1-7, 10-16 and 19-20 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact applicant's counsel who can be reached at the telephone number listed below. Applicant requests a one month extension of time in which to respond. Please charge any fees to our deposit account No. 50-1561 and reference the attorney docket number listed above.

Respectfully,

By   
Eric L. Sophir  
Reg. No. 48,499  
(703) 903-7563

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